

U.S. Express Mail No. EU721509950US
Attorney Docket No.: AM-5256-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Jeng H. Hwang et al.

SERIAL NO.: 09/747,667

FILED: December 22, 2000

FOR: PLASMA HEATING OF A SUBSTRATE
WITH SUBSEQUENT HIGH
TEMPERATURE ETCHING

§ GROUP NO.: 1765
§
§ EXAMINER: S. Ahmed
§
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§
§ Attorney Docket No.:
§ AM-5256-2

Date: December 11, 2002

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**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION OVER A COENDING PATENT APPLICATION
UNDER 37 CFR § 1.321 (c)**

Hon. Commissioner for Patents
Washington, DC 20231

Sir:

Applied Materials, Inc., of Santa Clara, California, the owner of 100 percent of the interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC § 154-156 and 173, as shortened by any terminal

CERTIFICATE OF MAILING UNDER 37 CFR § 1.10

I hereby certify that this paper and any documents said to accompany this paper are being deposited with the U.S. Postal Service on the date shown below with sufficient postage as U.S. EXPRESS MAIL NO. EU721509950US in an envelope addressed to the: Commissioner for Patents, Box Amendment (With Fee), Washington, DC 20231.

Date: December 11, 2002

Shirley L. Church
Shirley L. Church, Reg. No. 31,858

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disclaimer filed prior to the grant of any patent granted on pending second application Serial No. 09/747,652, filed on December 22, 2000, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term, as defined in 35 USC § 154 - 156 and 173, of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole, or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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I, the undersigned, Shirley L. Church, am an attorney of record in the subject application.

December 11, 2002
Date

Shirley L. Church
Shirley L. Church
Attorney of Record

The terminal disclaimer fee under 37 CFR § 1.20(d) is included herewith.

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